



70th Anniversary
1935 - 2005

**United States Government
NATIONAL LABOR RELATIONS BOARD**

Region 21

888 South Figueroa Street, Ninth Floor

Los Angeles, CA 90017-5449

Telephone: (213) 894-5204

Facsimile: (213) 894-2778

E-mail: NLRBRegion21@nrlrb.gov

RECEIVED

AUG 04 2008

W R & R

Resident Office:

555 W Beech Street - Suite 418

San Diego, CA 92101-2939

Telephone: (619) 557-6184

Facsimile: (619) 557-6358

August 1, 2008

Bruce A. Harland, Attorney at Law
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-1091

Re: Rady Children's Hospital- San Diego
Cases 21-CA-37845
21-CA-38017
21-CA-38019
21-CA-38361
21-CA-38363

Dear Mr. Harland:

The Region has carefully investigated and considered your charges against Rady Children's Hospital-San Diego alleging violations under Section 8 of the National Labor Relations Act.

Decision to Approve Settlement: Based on that investigation and in view of the undertakings contained in the attached Settlement Agreement, I have concluded that further proceedings are not warranted.

Your letter of June 23, 2008, wherein you set forth your objections to my approval of the informal Settlement Agreement in these matters has been carefully considered. Your objection to the settlement is that it fails to include stronger remedies, including but not limited to: special remedies involving litigation fees, public reading of the posting, extension of the contract and/or certification bar, the dismissal of the pending decertification petition, and a longer posting period.

The settlement provides for payment of attorneys' fees and costs awarded to the Union in connection with the first-amended complaint filed by Respondent in district court. Public notice reading and a longer notice-posting period are generally sought where numerous unfair labor practices are committed by a high-level manager. They are not warranted here for Respondent's Section 8(a)(5) violations or for the misconduct committed by Respondent's security guards.

EXHIBIT E

EXHIBIT E

Case 21-CA-37845

- 2 -

August 1, 2008

As the Respondent has agreed to a collective-bargaining agreement with the Union, an extension of the certification year is inappropriate. Further, the Board is without authority to compel the extension of the parties' collective-bargaining agreement. Finally, no basis has been established for the dismissal of the pending decertification petition.

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Office of Appeals, 1099 14th Street, N.W., Washington, D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the e-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at www.nlr.gov, under "E-GOV." Select "E-filing" and then click on "File an Appeal or Other Document" under the heading "General Counsel's Office of Appeals." The Website will contain detailed instructions on how to file an appeal electronically.

The appeal **MAY NOT** be filed by facsimile transmission.

Appeal Due Date: The appeal must be received by the General Counsel in Washington D. C. by the close of business at 5:00 p.m. EDT, on August 15, 2008. If you mail the appeal, it will be considered timely filed if it is postmarked no later than one day before the due date set forth above. If you file the appeal electronically, it also must be received by the General Counsel by the close of business at 5:00 p.m. EDT, on August 15, 2008. A failure to timely file an appeal electronically will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal **must be received** on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

Case 21-CA-37845

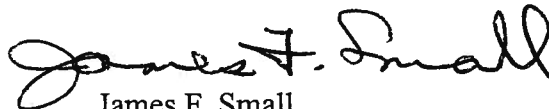
- 3 -

August 1, 2008

Confidentiality/Privilege: Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

Notice to Other Parties of Appeal: You should notify the other parties to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,



James F. Small
Regional Director

Enclosures

cc: (See next page)